UNOFFICIAL VERSION

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THURSDAY, JANUARY 10, 2019

THIRD ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 9:30 a.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Pastor Ben Stewart of Belmont Church in Nashville, Tennessee, a guest of Senator Roberts.

PLEDGE OF ALLEGIANCE

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Roberts led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Robinson, Southerland, Stevens, Swann, Watson, White, Yager, Yarbro and Mr. Speaker McNally--31.

PRESENTATION

Senator Yager introduced the Oak Ridge High School Choral team who sang "God Bless America" to the Senate.

MOTION

Senator Johnson moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 23 through 27** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced the following bills were filed for introduction and passed first consideration:

Senate Bill No. 23 by Senator Gilmore.

Election Laws -- As introduced, vacates the offices of the secretary of state and the coordinator of elections if either election officer qualifies as a candidate for any public office. Amends TCA Title 2, Chapter 11, Part 2 and Title 8, Chapter 3, Part 1.

Senate Bill No. 24 by Senator Gilmore.

Children -- As introduced, establishes a presumption that a minor who is the victim of a sexual offense or engaged in prostitution held a reasonable belief that the use of force is immediately necessary to avoid imminent death or serious bodily injury. Amends TCA Title 39.

Senate Bill No. 25 by Senator Gardenhire.

Child Custody and Support -- As introduced, specifies that circuit and chancery courts' concurrent jurisdiction over divorce actions or actions to modify or alter a decree regarding child custody includes actions that contain allegations that a child is delinquent, unruly, or dependent and neglected; allows the circuit or chancery court to transfer an action to alter a custody decree that contains such an allegation to the juvenile court when appropriate. Amends TCA Title 16; Title 36 and Title 37.

Senate Bill No. 26 by Senator Gardenhire.

Tobacco, Tobacco Products -- As introduced, limits the places in which one may use vapor products. Amends TCA Title 39, Chapter 17, Part 15 and Title 39, Chapter 17, Part 16.

Senate Bill No. 27 by Senator Niceley.

Election Laws -- As introduced, changes the nomination process for candidates for United States senator. Amends TCA Title 2, Chapter 13.

MOTION

Senator Johnson moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 22** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that **Senate Bill No. 22** passed second consideration and was held on the Clerk's desk pending the appointment of the appropriate committee.

MOTION

Senator Johnson moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 54 through 57** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 54 by Senator Johnson.

Memorials, Death -- Dr. Joseph Leeper Willoughby.

Senate Joint Resolution No. 55 by Senator Johnson.

Budget Procedures -- Authorizes transmittal of the state budget document for fiscal year 2019-2020 by Monday, March 4, 2019; authorizes filing of budget legislation by Monday, March 11, 2019.

Senate Joint Resolution No. 56 by Senator Johnson.

General Assembly, Joint Conventions -- Calls a joint convention of the general assembly on Monday, March 4, 2019, for the purpose of hearing an address by the governor on the state of the state.

Senate Joint Resolution No. 57 by Senators Southerland, Niceley and Bell. Memorials, Public Service -- Jai Templeton.

MOTION

Senator Johnson moved, pursuant to Rule 21, House Joint Resolutions Nos. 3, 4, 9 and 10; and Senate Joint Resolutions Nos. 43 through 53 lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that **House Joint Resolutions Nos. 3, 4, 9 and 10**; and **Senate Joint Resolutions Nos. 43 through 53** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

ELECTION OF FISCAL REVIEW COMMITTEE

Mr. Speaker McNally declared the election of the Fiscal Review Committee as authorized by TCA § 3-7-101, was now in order.

Senator Johnson placed in nomination the name of Senator Bailey for a position to the Fiscal Review Committee.

Senator Yager seconded the nomination of Senator Bailey.

Mr. Speaker McNally declared pursuant to TCA § 3-7-101 Senator Bailey duly and legally elected to the Fiscal Review Committee for the ensuing two years.

Senator Johnson placed in nomination the name of Senator Gardenhire for a position to the Fiscal Review Committee.

Senator Yager seconded the nomination of Senator Gardenhire.

Mr. Speaker McNally declared pursuant to TCA § 3-7-101 Senator Gardenhire duly and legally elected to the Fiscal Review Committee for the ensuing two years.

Senator Johnson placed in nomination the name of Senator Southerland for a position to the Fiscal Review Committee.

Senator Yager seconded the nomination of Senator Southerland.

Mr. Speaker McNally declared pursuant to TCA § 3-7-101 Senator Southerland duly and legally elected to the Fiscal Review Committee for the ensuing two years.

Senator Yarbro placed in nomination the name of Senator Gilmore for a position to the Fiscal Review Committee.

Senator Akbari seconded the nomination of Senator Gilmore.

Mr. Speaker McNally declared pursuant to TCA § 3-7-101 Senator Gilmore duly and legally elected to the Fiscal Review Committee for the ensuing two years.

MOTION

Senator Johnson moved that Rule 19 be suspended for the purpose of considering the Consent Calendar next, which motion prevailed.

CONSENT CALENDAR

Senate Joint Resolution No. 4 -- Memorials, Professional Achievement -- Sheriff Jeff Bledsoe, Tennessee Sheriff of the Year.

Senate Joint Resolution No. 5 -- Memorials, Death -- Charles E. McNeeley.

Senate Joint Resolution No. 6 -- Memorials, Death -- Willard Lacy Upchurch.

Senate Joint Resolution No. 7 -- Memorials, Death -- Virginia "Ginny" Edwards.

Senate Joint Resolution No. 8 -- Memorials, Death -- Floyd Thomas Nelson.

Senate Joint Resolution No. 9 -- Memorials, Recognition -- Emeline Thrash Dunn, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 10 -- Memorials, Recognition -- Rebecca Sheaffer Goodwin, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 11 -- Memorials, Recognition -- Casey L. Miller, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 12 -- Memorials, Recognition -- Alé Dalton, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 13 -- Memorials, Recognition -- Adelee Traylor Seidel, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 14 -- Memorials, Recognition -- Nora Snoddy, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 15 -- Memorials, Recognition -- Susan E. Pogue, 2019 Nashville's Top 30 Under 30.

- **Senate Joint Resolution No. 16** -- Memorials, Recognition -- Pirjin Tayip Laser, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 17** -- Memorials, Recognition -- Megan Beaven Feeman, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 18** -- Memorials, Recognition -- Elizabeth "Lizzie" Eisen, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 19** -- Memorials, Recognition -- Elizabeth Anne Goldstein, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 20** -- Memorials, Recognition -- Zachary Brickner, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 21** -- Memorials, Recognition -- Wade Nelson, Jr., 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 22** -- Memorials, Recognition -- Stephen Richards, Jr., 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 23** -- Memorials, Recognition -- Sam Ellis, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 24** -- Memorials, Recognition -- Michael Hill, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 25** -- Memorials, Recognition -- Matthew A. Pierce, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 26** -- Memorials, Recognition -- Josh Thompson, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 27** -- Memorials, Recognition -- John R. Burch III, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 28** -- Memorials, Recognition -- Harris Delchamps, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 29** -- Memorials, Recognition -- Grant Adams, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 30** -- Memorials, Recognition -- Liz Rogers, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 31** -- Memorials, Recognition -- Lauren M. Spahn, 2019 Nashville's Top 30 Under 30.
- **Senate Joint Resolution No. 32** -- Memorials, Recognition -- Kaya Grace Porter, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 33 -- Memorials, Recognition -- Julie Anne Rousseau, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 34 -- Memorials, Recognition -- Jennifer L. Lafferty, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 35 -- Memorials, Recognition -- Christopher J. Morris, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 36 -- Memorials, Recognition -- Brennan H. N. McMurry, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 37 -- Memorials, Recognition -- Brian Nock, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 38 -- Memorials, Recognition -- Brandon Bocianski, 2019 Nashville's Top 30 Under 30.

Senate Joint Resolution No. 39 -- Memorials, Recognition -- Kings Mountain American Legion Post 24, 100th Anniversary.

Senate Joint Resolution No. 40 -- Memorials, Death -- Tobie L. Bledsoe.

Senate Joint Resolution No. 43 -- Memorials, Public Service -- Commissioner David W. Purkey.

Senate Joint Resolution No. 44 -- Memorials, Sports -- Greeneville High School football team, TSSAA Division I Class 4A State Champions.

Senate Joint Resolution No. 45 -- Memorials, Professional Achievement -- John Harney, Rutherford County Chamber of Commerce 2018 Business Person of the Year.

Senate Joint Resolution No. 46 -- Memorials, Professional Achievement -- Chief Kevin Arnold, 2018 Leadership Rutherford Pinnacle Award.

Senate Joint Resolution No. 47 -- Memorials, Professional Achievement -- Gordon Ferguson, Rutherford County Chamber of Commerce 2018 Business Legend.

Senate Joint Resolution No. 48 -- Memorials, Professional Achievement -- John Hood, Rutherford County Chamber of Commerce Doug Young Lifetime Achievement Award.

Senate Joint Resolution No. 49 -- Memorials, Retirement -- Dr. Teresa M. Kidd.

Senate Joint Resolution No. 50 -- Memorials, Recognition -- Vice Mayor Jim Shulman.

Senate Joint Resolution No. 51 -- Memorials, Recognition -- City of Johnson City, sesquicentennial.

Senate Joint Resolution No. 52 -- Memorials, Recognition -- Logan Grant.

Senate Joint Resolution No. 54 -- Memorials, Death -- Dr. Joseph Leeper Willoughby.

Senator Johnson moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Robinson, Southerland, Stevens, Swann, Watson, White, Yager, Yarbro and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved the Proposed Schedule for the week of January 14, 2019, as amended, be adopted and made the action of the Senate, which motion prevailed.

TENNESSEE STATE SENATE 111th GENERAL ASSEMBLY

SCHEDULE WEEK OF JANUARY 14, 2019

FRIDAY, JANUARY 18, 2019

FOURTH ORGANIZATIONAL DAY

2:00 p.m. Session – Senate Chamber

- Regular Orders of Business
- Ethics Training, Mr. Drew Rawlins, Executive Director of Bureau of Ethics and Campaign Finance
- Recess to Governor's Inauguration

SATURDAY, JANUARY 19, 2019

FIFTH ORGANIZATIONAL DAY AND FIRST LEGISLATIVE DAY

10:30 a.m. Session – Senate Chamber

• Regular Orders of Business

Recess to Governor's Inauguration

11:00 a.m. Joint Convention – War Memorial Plaza

Inauguration of Governor Bill Lee

12:30 p.m. Session – Senate Chamber

Convening of the First Legislative Day

• Adoption of Senate Schedule

Appointment of Standing Committees

30

APPOINTMENTS

Pursuant to Senate Rules 3, 73 and 74, the Speaker announced the appointments for the Senate of the One Hundred Eleventh General Assembly:

APPOINTMENT OF SPEAKER PRO TEMPORE

Pursuant to Rule 3, Senator Ferrell Haile of Sumner County was appointed Speaker Pro Tempore.

APPOINTMENT OF DEPUTY SPEAKER

Senator Janice Bowling of Coffee County was appointed Deputy Speaker.

MOTION

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 9**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 9 -- General Assembly, Recess & Reconvene -- Recesses organizational session from close of business on Thursday, January 10, 2019, until Friday, January 18, 2019.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 9** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 10**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 10 -- General Assembly, Joint Conventions -- Calls joint convention for purpose of inaugurating the Honorable Bill Lee as governor on Saturday, January 19, 2019; adjourns organizational session and convenes regular session of 111th General Assembly on January 19, 2019; recesses regular session until January 23, 2019, for House of Representatives and January 28, 2019, for Senate.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, House Joint Resolution No. 10 was concurred in.

A motion to reconsider was tabled.

<u>APPOINTMENTS</u>

Pursuant to Senate Rules 3, 73 and 74, the Speaker announced the appointments for the Senate of the One Hundred Eleventh General Assembly:

STANDING COMMITTEES

COMMERCE AND LABOR

Bailey (R), Chairperson; Swann (R), First Vice Chairperson; Lundberg (R), Second Vice Chairperson; Akbari (D), Gresham (R), Johnson (R), Niceley (R), Southerland (R) and Watson (R).

EDUCATION

Gresham (R), Chairperson; Kelsey (R), First Vice Chairperson; Akbari (D), Second Vice Chairperson; Bell (R), Crowe (R), Dickerson (R), Haile (R), Hensley (R) and Lundberg (R).

ENERGY, AGRICULTURE AND NATURAL RESOURCES

Southerland (R), Chairperson; Niceley (R), First Vice Chairperson; Pody (R), Second Vice Chairperson; Reeves (R), Akbari (D), Gresham (R), Johnson (R), Robinson (D) and White (R).

FINANCE, WAYS AND MEANS

Watson (R), Chairperson; Stevens (R), First Vice Chairperson; Hensley (R), Second Vice Chairperson; Briggs (R), Gardenhire (R), Gilmore (D), Haile (R), Johnson (R), Kelsey (R), Yager (R) and Yarbro (D).

GOVERNMENT OPERATIONS

Roberts (R), Chairperson; Jackson (R), First Vice Chairperson; Bowling (R), Second Vice Chairperson; Bell (R), Crowe (R), Kyle (D), Massey (R), Pody (R) and Yager (R).

HEALTH AND WELFARE

Crowe (R), Chairperson; Haile (R), First Vice Chairperson; Reeves (R), Second Vice Chairperson; Hensley (R), Jackson (R), Massey (R), Swann (R), Watson (R) and Yarbro (D).

JUDICIARY

Bell (R), Chairperson; Lundberg (R), First Vice Chairperson; White (R), Second Vice Chairperson; Bowling (R), Gardenhire (R), Kyle (D), Roberts (R), Robinson (D) and Stevens (R).

STATE AND LOCAL GOVERNMENT

Dickerson (R), Chairperson; Briggs (R), First Vice Chairperson; Gardenhire (R), Second Vice Chairperson; Kelsey (R), Jackson (R), Reeves (R), White (R), Yager (R) and Yarbro (D).

TRANSPORTATION AND SAFETY

Massey (R), Chairperson; Pody (R), First Vice Chairperson; Niceley (R), Second Vice Chairperson; Bailey (R), Bowling (R), Briggs (R), Gilmore (D), Stevens (R) and Swann (R).

SELECT COMMITTEES

CALENDAR

Jackson (R), Chairperson; Johnson (R), Vice Chairperson; and Yarbro (D), Secretary.

ETHICS

Briggs (R), Chairperson; Dickerson (R), Vice Chairperson; Southerland (R), Akbari (D) and Yager (R).

RULES

Watson (R), Chairperson; Haile (R), Vice Chairperson; Kelsey (R), Secretary; Stevens (R) and Yarbro (D).

DELAYED BILLS

Mr. Speaker McNally (R), Chairperson; Johnson (R), Vice Chairperson; Yarbro (D), Secretary.

MOTION

On motion of Senator Massey, her name was added as sponsor of **Senate Bill No. 8**.

On motion of Senator Robinson, her name was added as sponsor of **Senate Bills Nos. 23**, **24 and 26**.

On motion of Senator Kyle, her name was added as sponsor of **Senate Joint Resolution No. 4**.

On motion of Senators Bell, Gresham, Haile, Niceley, Akbari, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Pody, Reeves, Roberts, Robinson, Southerland, Stevens, Swann, Watson, White, Yager, Yarbro and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No. 6**.

On motion of Senators Dickerson, Gilmore and Haile, their names were added as sponsors of Senate Joint Resolutions Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38.

On motion of Senator Gresham, her name was added as sponsor of **Senate Joint Resolution No. 39**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 43.**

On motion of Senator Lundberg, his name was added as sponsor of **Senate Joint Resolutions Nos. 49 and 51**.

On motion of Senators Gilmore, Dickerson, Haile, Yarbro, Akbari, Bailey, Bell, Bowling, Briggs, Gardenhire, Gresham, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Robinson, Southerland, Stevens, Swann, Watson, White, Yager and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No. 50**.

On motion of Senators Briggs, Haile, Hensley, Jackson, Kyle, Massey, Swann, Watson, Akbari, Bailey, Bell, Bowling, Dickerson, Gardenhire, Gilmore, Gresham, Johnson, Kelsey, Lundberg, Niceley, Pody, Reeves, Roberts, Robinson, Southerland, Stevens, White, Yager, Yarbro and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No.** 52.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Joint Resolution No. 53**.

On motion of Senator Hensley, his name was added as sponsor of **Senate Joint Resolution No. 54**.

On motion of Senators Niceley, Bell and Yager, their names were added as sponsors of **Senate Joint Resolution No. 57**.

On motion of Senators White and Reeves, their names were added as sponsors of **House Joint Resolution No. 11**.

On motion of Senator Swann, his name was added as sponsor of **House Joint Resolution No. 14**.

ENGROSSED BILLS

January 10, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolutions Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 54; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON Chief Engrossing Clerk

MESSAGE FROM THE HOUSE

January 10, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 11, 12, 13 and 14; adopted, for the Senate's action.

TAMMY LETZLER Chief Clerk

MESSAGE FROM THE HOUSE

January 10, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 43, concurred in by the House.

TAMMY LETZLER Chief Clerk

ENROLLED BILLS

January 10, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 43, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON Chief Engrossing Clerk

MESSAGE FROM THE HOUSE

January 11, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 9 and 10, for the signature of the Speaker.

TAMMY LETZLER Chief Clerk

SIGNED

January 10, 2019

The Speaker announced that he had signed the following: Senate Joint Resolution No. 43.

MESSAGE FROM THE HOUSE

January 10, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 43, signed by the Speaker.

TAMMY LETZLER Chief Clerk

ADJOURNMENT

Senator Johnson moved the Senate adjourn until 2:00 p.m., Friday, January 18, 2019, which motion prevailed.